

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF ENVIRONMENTAL)
PROTECTION,)
Plaintiff,)
))
v.) CIV. ACTION NO. 2:23-cv-873
))
ONE BREWERY PLACE, INC.; HAROLD B.)
DAVIDSON; JAMES RANDY DAVIDSON;)
M. ULTRA INVESTMENT GROUP, LTD.;)
and ARXADA, LLC,)
))
Defendants.)
))

JOINT MOTION FOR ENTRY OF CONSENT DECREE

NOW COME Plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Defendant Arxada, LLC (“Arxada”) (collectively, “Parties”), through their counsel, and hereby move this Court to approve and enter as an Order of the Court the Consent Decree attached hereto as Exhibit A.

This matter concerns a cost recovery suit the Department filed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, *as amended*, 42 U.S.C. §§ 9601-9675, and relevant Pennsylvania environmental statutes. Exhibit A is a Consent Decree executed by the Department and Arxada that resolves all of the Department’s claims against Arxada.

The Department has published notice of the Consent Decree for a 60-day public review and comment period, in the *Pennsylvania Bulletin* and in the *Beaver County Times*. The Department has received one comment, to which it has responded. The Department has not

found in that single comment anything to dissuade it from its continuing belief that the Consent Decree is fair and equitable and in the public's interest. *See Exhibit B*, containing the single public comment and the Department's response.

Given the scarcity of comment, the Parties' concurrence with the terms of settlement, and that the Consent Decree fully resolves the Department's claims against Arxada, the Parties submit for the Court's consideration that no evidentiary hearing is necessary for the Court's review.

WHEREFORE, based on the foregoing and for the reasons set forth in the accompanying Memorandum, the Parties respectfully request that the Court approve and enter as an Order of the Court the fully executed Consent Decree attached hereto as Exhibit A.

Respectfully submitted,

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION:**

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FOR ARXADA, LLC:

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